

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 State Bar No. 101336  
AMANDA DODDS  
4 Senior Legal Analyst  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2141  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke  
12 Probation Against:

Case No. OT2005-179

13 **LYNN MARIE FARNEY**  
14 **30990 Avenida del Reposo**  
**Temecula, CA 92591**

**PETITION TO REVOKE PROBATION**

15 **Occupational Therapist License**  
16 **No. OT 2989**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Heather Martin (Complainant) brings this Petition to Revoke Probation solely in her  
21 official capacity as the Executive Officer of the California Board of Occupational Therapy,  
22 Department of Consumer Affairs.

23 2. On or about November 8, 2002, the California Board of Occupational Therapy issued  
24 Occupational Therapist License Number OT 2989 to Lynn Marie Farney (Respondent). The  
25 Occupational Therapist License was in effect at all times relevant to the charges brought herein  
26 and will expire on May 31, 2011, unless renewed.

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3. In a prior disciplinary action entitled "*In the Matter of Accusation Against Lynn Marie Farney*," Case No. OT2005-179, the California Board of Occupational Therapy issued a decision, effective November 11, 2010, in which Respondent's Occupational Therapist License was revoked. However, the revocation was stayed and Respondent's Occupational Therapist License was placed on probation for a period of three (3) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

## JURISDICTION

4. This Petition to Revoke Probation is brought before the California Board of Occupational Therapy (Board), Department of Consumer Affairs, under the authority of the following laws.

5. Section 2570.26 states:

(a) The board may, after a hearing, deny, suspend, revoke, or place on probation a license, certificate, inactive license, inactive certificate, or limited permit.

(b) As used in this chapter, "license" includes a license, certificate, limited permit, or any other authorization to engage in practice regulated by this chapter.

(c) The proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

6. Business and Professions Code section 2570.30 states:

The board shall retain jurisdiction to proceed with any investigation, action or disciplinary proceeding against a license, or to render a decision suspending or revoking a license, regardless of the expiration, lapse, or suspension of the license by operation of law, by order or decision of the board or a court of law, or by the voluntary surrender of a license by the licensee.

## FIRST CAUSE TO REVOKE PROBATION

**(Compliance with Probation and Quarterly Reporting)**

7. At all times after the effective date of Respondent's probation, Condition 2 stated:

Respondent shall fully comply with the terms and conditions of probation established by the Board and shall cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with probation. Respondent, within ten (10) days of completion of the quarter, shall submit quarterly written reports to the Board on a Quarterly Report of Compliance form obtained from the Board.

1           8.     Respondent's probation is subject to revocation because she failed to comply with  
2 Probation Condition 2, referenced above. In a letter to Respondent dated October 12, 2010, her  
3 probation monitor directed Respondent to sign, date, and return an acknowledgement form  
4 indicating that she read the document entitled "*Important Information Regarding Safe*  
5 *Medications to Use While in Recovery.*" Respondent failed to return the acknowledgement form.  
6 Further, Respondent failed to claim certified mail dated October 14, 2010, sent to her address of  
7 record with the Board, containing chain of custody forms to facilitate biological fluid testing.  
8 Respondent further failed to submit a written quarterly report for the period November 11, 2010  
9 to December 31, 2010, which was to be postmarked to the Board no later than January 10, 2011.

## 10                               SECOND CAUSE TO REVOKE PROBATION

### 11                               (Continuing Education Requirements)

12           9.     At all times after the effective date of Respondent's probation, Condition 9 stated:

13                       Respondent shall complete continuing education in the areas of Documentation  
14 for three (3) hours and Law and Ethics for nine (9) hours. Such continuing education  
shall be completed within one (1) year of the effective date of the Decision.

15                       The continuing education shall be in addition to the professional development  
16 activities required for license renewal. Within thirty (30) days of the effective date of  
the Decision, Respondent shall submit a written plan to comply with this requirement.  
17 The proposed plan shall include the name or title of the course, a course description  
or syllabus, and identify the provider. A Board representative shall approve such plan  
18 prior to enrollment in any course of study. Failure to satisfactorily complete the  
required continuing education as scheduled shall constitute a violation of probation.  
19 Respondent is responsible for all costs of such continuing education. Upon  
successful completion of the course work, Respondent shall send the original  
20 certificate(s) of completion to the Board within thirty (30) days of completion of the  
course(s). Respondent shall send the original certificate(s) to the Board by certified  
21 mail, return receipt requested.

22           10.    Respondent's probation is subject to revocation because she failed to comply with  
23 Probation Condition 9, referenced above, in that within 30 days of the effective date of the  
24 Decision, she did not submit a written plan to comply with the continuing education requirement.

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1 **THIRD CAUSE TO REVOKE PROBATION**

2 **(Submit Biological Fluid Samples)**

3 11. At all times after the effective date of Respondent's probation, Condition 18 stated:

4 Respondent shall immediately submit to biological fluid testing, at respondent's  
5 cost, upon request by the Board or its designee. There will be no confidentiality in  
6 the test results; positive test results will be immediately reported to the Board and the  
7 respondent's current employer.

8 12. Respondent's probation is subject to revocation because she failed to comply with  
9 Probation Condition 18, referenced above. In a letter to Respondent dated October 12, 2010,  
10 Respondent's probation monitor directed that within five days of the effective date of the  
11 Decision (November 11, 2010), Respondent must be enrolled in a biological testing program with  
12 FirstLabs. In two letters dated November 18, 2010, and December 9, 2010, Respondent's  
13 probation monitor warned that if she did not enroll in the FirstLab testing program, she would be  
14 subject to disciplinary action. As of March 15, 2011, Respondent has failed to enroll in a  
15 biological fluid testing program.

16 **PRAYER**

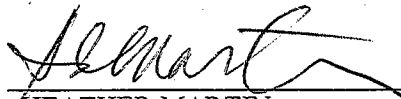
17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
18 and that following the hearing, the California Board of Occupational Therapy issue a decision:

19 1. Revoking the probation that was granted by the California Board of Occupational  
20 Therapy in Case No. OT2005-179 and imposing the disciplinary order that was stayed thereby  
21 revoking Occupational Therapist License No. OT 2989 issued to Lynn Marie Farney;

22 2. Revoking or suspending Occupational Therapist License No. OT 2989, issued to  
23 Lynn Marie Farney;

24 3. Taking such other and further action as deemed necessary and proper.

25 DATED 15 March 2011



26 HEATHER MARTIN  
27 Executive Officer  
28 California Board of Occupational Therapy  
Department of Consumer Affairs  
State of California  
Complainant

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